



JFW

Attorney Docket #: 200-2 (CIP-IIA-CONII)

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

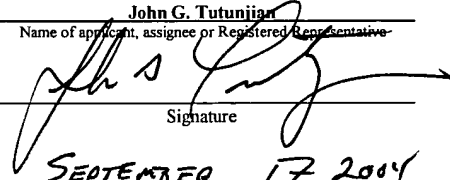
In re Application of  
Leifer et al.  
Serial No.: 10/801,322  
Filed: March 16, 2004  
For: Wireless Game Control Units

Examiner: Cherubin, Y.  
Group Art: 3713

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

September 17, 2004  
(Date of Deposit)

Mail Stop Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

John G. Tutunjian  
Name of applicant, assignee or Registered Representative  
  
Signature  
SEPTEMBER 17, 2004  
Date of Signature

**OFFICIAL COMMUNICATION**

**TERMINAL DISCLAIMERS**

Applicant submits herewith two (2) Terminal Disclaimers in accordance with the Examiner's request. In particular, terminal disclaimers are filed for the following patents related to the present application. The fees for each of these Terminal Disclaimers in accordance with 37 CFR 1.20(d) are also enclosed:

<u>US Patent No.</u>	<u>US Application Serial No.</u>
6,585,596	09/708,195
6,719,633	09/708,213

### **COMMON OWNERSHIP**

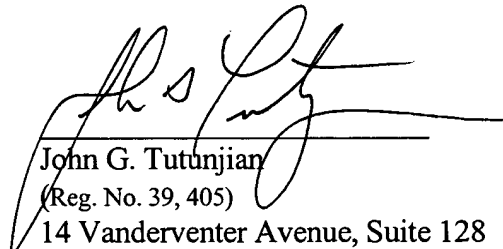
Applicant submits herewith a copy of the recently filed assignment showing that ownership of the present application and all preceding related applications from Arista Enterprises Inc. to Freedom Wave LLC. The recordal of this assignment for the present application is still pending at this time.

### **REMARKS**

In view of the foregoing, applicant believes the present application to be in condition for early allowance and issuance on the merits.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's representatives Deposit Account No. 50-1433.

Respectfully submitted,  
KEUSEY, TUTUNJIAN & BITETTO, P.C.



John G. Tutunjian  
(Reg. No. 39, 405)  
14 Vanderventer Avenue, Suite 128  
Port Washington, New York 11050  
(516) 883-3868

Dated: September 17, 2004

*Keusey, Tutunjian & Bitetto, P.C.*

EDWIN H. KEUSEY  
JOHN G. TUTUNJIAN  
JAMES J. BITETTO

PATENTS, TRADEMARKS AND COPYRIGHTS

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Port Washington, NY 11050

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SUSAN PAIK  
GASPARO J. RANDAZZO



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ASSIGNMENT SERVICES DIVISION  
COMMISSIONER FOR PATENTS  
ALEXANDRIA, VA 22313-1450

FAX NO. 703 306-5995 (5 pages)

U.S.S.N. 10/801,322

Filed: March 16, 2004

Inventors: Alan E. Leifer et al.

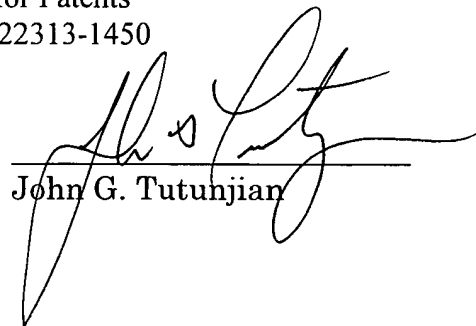
Attorney Docket: 200-2 (CIP-IIA-CONII)

CERTIFICATE OF FAXING

I hereby certify that this Assignment Recordation Cover Sheet in duplicate for deposit account payment (2 pages) and Assignment Document (2 pages) is being transmitted via facsimile to  
ASSIGNMENT SERVICES DIVISION to fax number  
(703) 306-5995 and addressed to:

Commissioner for Patents  
Alexandria, VA 22313-1450

on September 16, 2004

  
John G. Tutunjian

MODE = MEMORY TRANSMISSION

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END=SEP-16 12:46

FILE NO.=367



STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
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-KEUSEY, TUTUNJIAN & BITETTO -

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- \*\*\*\*\*

516 883 3869- \*\*\*\*\*

*Keusey, Tutunjian & Bitetto, P.C.*

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JOHN G. TUTUNJIAN  
JAMES J. BITETTO

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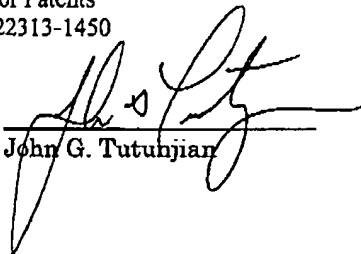
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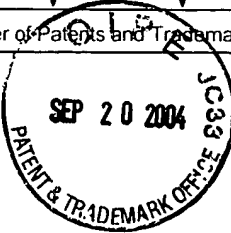
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Form PTO-1595  
(Rev. 10/02)RECORDATION FORM COVER SHEET  
PATENTS ONLYU.S. DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office

OMB No. 0651-0027 (exp. 6/30/2005)

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To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):  
ARISTA ENTERPRISES, INC.

2. Name and address of receiving party(ies)

Name: FREEDOM WAVE LLC

Internal Address: \_\_\_\_\_

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other \_\_\_\_\_

Street Address: 1840 EAST 27TH STREET

City: VERNON State: CA Zip: 90058

Execution Date: APRIL 2, 2004

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s)

10/801,322

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: KEUSEY, TUTUNJIAN &amp; BITETTO, P.C.

Internal Address: \_\_\_\_\_

Suite 128

Street Address: 14 VANDERVENTER AVENUE

PORT WASHINGTON  
City: \_\_\_\_\_ State: NY Zip: 110506. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41).....\$ 40.00

☐ Enclosed☒ Authorized to be charged to deposit account

8. Deposit account number:

50-1433

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9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

John G. Tutunjian

Name of Person Signing

Signature

2/16/04  
DateTotal number of pages including cover sheet, attachments, and documents: 4Mail documents to be recorded with required cover sheet information to:  
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(Rev. 10/02)

OMB No. 0651-0027 (exp. 6/30/2005)

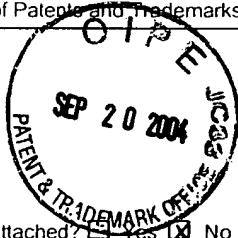
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## RECORDATION FORM COVER SHEET

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John G. Tutunjian

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and documents: 4Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patents & Trademarks, Box Assignments  
Washington, D.C. 20231

ASSIGNMENT

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Whereas, Arista Enterprises Inc., of 125 Commerce Drive, Hauppauge, NY 11788, hereinafter referred to as Assignor, has obtained the following United States Patents for an improvement in Wireless Game Control Units: USP 6,280,327 issued on August 28, 2001; USP 6,585,596 issued on July 1, 2003; and USP 6,659,871 issued on December 9, 2003; and has the following pending applications for an improvement in Wireless Game Control Units: United States Patent application Serial No. 09/708,213 filed on November 8, 2000 and United States Patent Application Serial No. 10/365,990 filed on February 13, 2003. Hereinafter all of the above-referenced patents and patent applications, as well as the inventions which form the subject matter thereof, are collectively referred to as the "Arista Wireless Patents."

Whereas, Freedom Wave LLC, a limited liability company of California, having a place of business at 1840 East 27<sup>th</sup> Street, Vernon, CA 90058, hereinafter referred to as Assignee, desires to acquire the entire right and title to all of the aforementioned issued and pending patents.

Now, therefore, in consideration of the sum of Ten Dollars (\$10.00), the receipt and sufficiency thereof is hereby acknowledged, and other good and valuable consideration, ASSIGNOR does hereby sell, assign and transfer to ASSIGNEE, the entire and exclusive right, title and interest in and to the Arista Wireless Patents, and to any and all applications and patents which are continuations, continuations-in-part, divisions or substitutes of said Arista Patents, and to any and all applications and patents from which any of the Arista Patents claim priority, and any and all Letters Patent that may be granted thereupon in the United States; covenant that no assignment, sale, agreement, transfer or encumbrance has been, or will be, made or entered into which would conflict with this assignment, sale and transfer; and agree to communicate to ASSIGNEE, its successors, assigns or other legal representatives, upon request and at no cost or expense to ASSIGNOR, any facts known by ASSIGNOR respecting the Arista Wireless Patents; do all lawful acts, including the execution and delivery of all papers and proper oaths and the

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giving of testimony that is deemed necessary or desirable by ASSIGNEE, its successors, assigns or other legal representatives with regard to the Arista Wireless Patents for protecting, obtaining, maintaining and enforcing any and all of said Letters Patent for the Arista Wireless Patents and for perfecting, affirming, recording and maintaining the title of ASSIGNEE, its successors, assigns or other legal representatives and generally cooperate to the fullest extent in all matters pertaining to the Arista Wireless Patents, any and all of said Letters Patent and the title thereto in ASSIGNEE, its successors, assigns or other legal representatives. ASSIGNOR agrees and acknowledges that this Assignment to ASSIGNEE includes without limitation, all income, royalties, damages and payments now or hereafter due or payable with respect to said Arista Patents, and to all causes of action (either in law or in equity) and the right to sue, counterclaim, and recover for past, present and future infringement of the rights assigned or to be assigned under this Assignment.

Executed this 2<sup>nd</sup> day of APRIL, 2004

at HAUPPANGE, NY

ARISTA ENTERPRISES INC.

Richard LEIFER  
By: [Signature]  
Title President





COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

SEPTEMBER 10, 2004

PTAS

KEUSEY, TUTUNJIAN & BITETTO, P.C.  
JOHN G. TUTUNJIAN  
14 VANDERVENTER AVENUE  
SUITE 128  
PORT WASHINGTON, NY 11050



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SEP 16 2004

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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 03/16/2004

REEL/FRAME: 015102/0531

NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

LEIFER, ALAN E.

DOC DATE: 11/13/2000

ASSIGNOR:

LEIFER, RICHARD

DOC DATE: 11/13/2000

ASSIGNOR:

PENG, CHI-FU

DOC DATE: 11/13/2000

ASSIGNEE:

ARISTA ENTERPRISES INC.  
125 COMMERCE DRIVE  
HAUPPAUGE, NEW YORK 11788

SERIAL NUMBER: 10801322

FILING DATE: 03/16/2004

PATENT NUMBER:

ISSUE DATE:

TITLE: WIRELESS GAME CONTROL UNITS

015102/0531 PAGE 2

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LAZENA MARTIN, EXAMINER  
ASSIGNMENT DIVISION  
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

12

Application Number

10/801,322

Filing Date

March 16, 2004

First Named Inventor

Alan E. Leifer

Art Unit

3713

Examiner Name

Y. Cherubin

Attorney Docket Number

200-2 (CIP-IIA-CONII)

### ENCLOSURES (Check all that apply)

☐

Fee Transmittal Form

☒

Fee Attached

☒

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐

Response to Missing Parts/  
Incomplete Application

☐

Response to Missing Parts  
under 37 CFR 1.52 or 1.53

☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐

Petition to Convert to a  
Provisional Application

☐

Power of Attorney, Revocation

☐

Change of Correspondence Address

☒

Terminal Disclaimer 2 (Two)

☐

Request for Refund

☐

CD, Number of CD(s) \_\_\_\_\_

Remarks

☐

After Allowance communication  
to Technology Center (TC)

☐

Appeal Communication to Board

of Appeals and Interferences

☐

Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)

☐

Proprietary Information

☐

Status Letter

☒

Other Enclosure(s) (please  
Identify below):

Copy of Recorded Assignment

Copy of Pending Assignment Recordal

Return postcard receipt

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm  
or  
Individual name

KEUSEY, TUTUNJIAN & BITETTO, P.C.

Signature

Date

September 17, 2004

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name

John G. Tutunjian

Signature

Date

September 17, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed Application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)

200-2 (CIP-IIA-CONII)

In re Application of: Alan E. Leifer, et al.

Application No.: 10/801,322

Filed: March 16, 2004

For: Wireless Game Control Units

The owner\*, Freedom Wave LLC, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,585,596. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

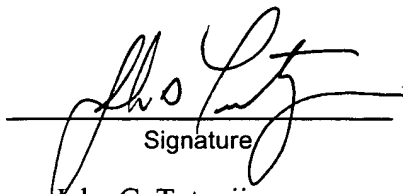
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☒ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

  
Signature  
9/17/04  
Date  
John G. Tutunjian  
Typed or printed name

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

09/21/2004 SDIRETA1 00000007 10801322

02 FC:2814

55.00 OP



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REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)  
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Filed: March 16, 2004

For: Wireless Game Control Units

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\_\_\_\_\_  
Signature  
9/17/04  
\_\_\_\_\_  
Date  
John G. Tutunjian  
\_\_\_\_\_  
Typed or printed name

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